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**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION**

This Document Relates To:

Gould, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10444-FDS;
Hannah v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10407-FDS;
Jones v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-cv-10409-FDS;
Leaverton, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10408-FDS;
Letizia, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10442-FDS;
Marko, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10404-FDS;
Normand, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10447-FDS;
Pennington v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10406-FDS;
Ramos v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10410-FDS;
Rios, et. al. v. New England Compounding Pharmacy, Inc., et. al., 13-10411-FDS;
Rivera, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10412-FDS;
Tayvinsky, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10414-FDS;
Tisa, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10446-FDS;
Tolotti, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10413-FDS; and,
Zavacki, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10441-FDS

MDL No. 1:13-md-02419

Hon. F. Dennis Saylor, IV

**NOTICE OF FILING OF REPLY
BRIEF IN SUPPORT OF ALAUNUS
PHARMACEUTICAL, LLC'S
MOTION TO DISMISS PURSUANT TO
FED.R.CIV. P. 12(b)(6)**

*Leave To File Granted By Electronic Order
Dated March 12, 2013, Doc No. 47*

The Defendant, Alaunus Pharmaceutical, LLC (“Alaunus”), by and through its counsel, hereby files this Notice of Filing of Reply Brief in Support of Alaunus’ Consolidated Motion to Dismiss. By this document, Alaunus notifies this Court of the following:

1. On February 22, 2013, Alaunus filed a Consolidated Motion to Dismiss for failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6) with the United States District Court for the District of New Jersey in the following fifteen actions:

Gould, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10444-FDS;
Hannah v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10407-FDS;
Jones v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-cv-10409-FDS;
Leaverton, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10408-FDS;
Letizia, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10442-FDS;
Marko, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10404-FDS;
Normand, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10447-FDS;
Pennington v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10406-FDS;
Ramos v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10410-FDS;
Rios, et. al. v. New England Compounding Pharmacy, Inc., et. al., 13-10411-FDS;
Rivera, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10412-FDS;
Tayvinsky, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10414-FDS;
Tisa, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10446-FDS;
Tolotti, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10413-FDS; and,
Zavacki, et. al. v. New England Compounding Pharmacy, Inc., et. al., Civ. No. 13-10441-FDS

2. No objection was filed by the Plaintiffs in the fifteen actions listed in paragraph 1 of this Notice with regard to the Judicial Panel on Multidistrict Litigation’s Conditional Transfer Order # 1.

3. On February 28, 2013, all fifteen of the related actions pending in the District of New Jersey were transferred to this Court, consolidated with the other related actions in MDL No. 2419, and assigned the docket numbers listed in paragraph 1 above.

4. On March 6, 2013, the New Jersey Plaintiffs filed their Consolidated Response to Alaunus’ Motion to Dismiss in each of the individual related actions identified in paragraph 1 of this Notice.

5. On March 12, 2013, this Court granted Alaunus' Motion for Leave to File a Brief in Reply to the New Jersey Plaintiffs' Consolidated Response to Alaunus' Motion to Dismiss that was filed in each of the fifteen related actions listed in paragraph 1 of this Notice. *See* Docket No. 13-md-02419 [Doc. 47].

6. On March 12, 2013, Alaunus filed its Consolidated Reply Brief in Support of Its Motion to Dismiss in each of the fifteen related actions from the District of New Jersey listed in paragraph 1 above.

7. Alaunus' Consolidated Reply Brief was not filed in the Master Docket. There is no docket entry in the Master Docket referencing the filing of Alaunus' Consolidated Motion to Dismiss because that motion was filed prior to the transfer of the fifteen related actions from the District of New Jersey to this Court. Given that there is no docket entry in the Master Docket referencing the Consolidated Motion to Dismiss, there is no mechanism in ECF which allows for the undersigned counsel to link Alaunus' Consolidated Reply Brief back to the Consolidated Motion to Dismiss the fifteen related actions from the District of New Jersey.

8. Pursuant to MDL Order No. 1, which require the parties to file any document that relates to anything less than all actions in both the Master Docket and each of the dockets pertaining to the related actions, Alaunus hereby provides notice to this Court that Alaunus filed its Consolidated Reply Brief in each of the individual related actions identified in paragraph 1 of this Notice on March 12, 2013.

Dated: March 25, 2013

Respectfully submitted,
Defendant Alaunus Pharmaceutical, LLC
By its Attorneys,

/s/ Ryan Ciporkin

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CERTIFICATE OF SERVICE

I, Ryan Ciporkin, hereby certify that the documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: March 25, 2013

/s/ Ryan Ciporkin

Ryan Ciporkin